

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

FAISAL KHAN,
Plaintiff,

Case No. 1:10-cv-118
Weber, J.
Litkovitz, M.J.

v.

CELLO PARTNERSHIP
d/b/a VERIZON WIRELESS,
Defendant.

ORDER

This matter is before the Court following an informal discovery telephone conference with the parties regarding plaintiff's request for certain defendant's employees' disciplinary records. Plaintiff seeks the disciplinary records of managers who were investigated by Claire Johnson, previously a Verizon Human Resources Consultant, for complaints of sexual comments and/or harassment. Plaintiff has requested these files pursuant to deposition testimony from Ms. Johnson that following her investigations, these individuals received discipline other than termination; further, plaintiff seeks these records in order to clarify Ms. Johnson's previously produced investigation notes and files. Plaintiff also requests that, if necessary upon a review of these records, he be permitted to depose Ms. Johnson and/or her supervisor, Ms. Schnell, as it pertains to their disciplinary decision-making processes. Defendant objects to producing these files and witnesses on the basis of relevance, asserting that the records sought relate to individuals not similarly-situated to plaintiff.


After hearing the parties' respective positions, the undersigned finds that plaintiff is entitled to the limited discovery requested. Defendant shall produce the disciplinary records of the approximately ten individuals investigated by Ms. Johnson. The scope of this production is limited to the disciplinary records only – not their full personnel files; the production is limited to

the time period from 2003 to the present. Further, plaintiff is permitted to depose Ms. Johnson and/or Ms. Schnell; such depositions shall be limited in scope to the witnesses' knowledge of the discipline of the approximately ten employees at issue.

Given this ongoing discovery it is necessary to adjust various deadlines in this matter. The parties are directed to submit a joint proposed scheduling order via the Court's electronic filing system on or before November 22, 2012.

IT IS SO ORDERED.

11/15/12
Date


Karen L. Litkovitz
United States Magistrate Judge